REMARKS

By this Reply, no amendments to the claims have been made. Accordingly, claims 52-73 remain pending in this application. No new matter has been introduced by this Reply.

In the outstanding Office Action, claims 52-55, 57, and 60-63 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 26 of copending U.S. Application No. 10/678,653 in view of U.S. Patent No. 5,524,644 to Crook; claims 52-55, 57, 60, 62, and 63 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being upatentable over claim 61 of copending U.S. Application No. 10/374,523; claims 52-55, 57-63, and 67-69 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 15 and 27 of U.S. Patent No. 6,254,534 to Butler et al.; and claims 52-55, 57, and 60-63 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 14 of U.S. Patent No. 6,582,364 to Butler et al.

Although Applicants do not necessarily agree with the nonstatutory obviousness-type double patenting rejections set forth in the Office Action, to obviate these rejections and to expedite prosecution and allowance of this application, Applicants submit herewith a Terminal Disclaimer linking the present application to U.S. Patent Nos. 6,254,534 to Butler et al. and 6,582,364 to Butler et al.

The filing of this Terminal Disclaimer in no way manifests an admission by Applicants as to the propriety of the nonstatutory obviousness-type double patenting rejections set forth in the Office Action. *See* M.P.E.P. 804.02 citing Quad

Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870 (Fed. Cir. 1991) ("In legal principle, the filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither presumption nor estoppel on the merits of the rejection"). Should the need arise at a later date, Applicants reserve the right to present arguments regarding the merits of the nonstatutory obviousness-type double patenting rejections and the alleged obviousness of the application claims in view of claims in U.S. Patent No. 6,254,534 to Butler et al. and U.S. Patent No. 6,582,364 to Butler et al.

Accordingly, Applicants request approval of the Terminal Disclaimer and withdrawal of the nonstatutory obviousness-type double patenting rejections against claims 52-55, 57-63, and 67-69.

Claims in this application have also been provisionally rejected under the judicially created doctrine of obviousness-type double patenting over the claims of copending U.S. Application No. 10/678,653 in view of U.S. Patent No. 5,524,644 to Crook; and copending U.S. Application No. 10/374,523.

Applicants request that the provisional obviousness-type double patenting rejections in view of copending U.S. Application Nos. 10/374,523 and 10/678,653 be withdrawn in light of the provisional nature of the rejections. For the reasons provided in this Reply, Applicants submit that these provisional double patenting rejections are the only rejections remaining in this application. When provisional double patenting rejections are the only rejections remaining in an application, the provisional rejections should be withdrawn and the application allowed to issue. See MPEP 804(I)(B). To the extent that any of copending U.S. Application Nos. 10/374,523 and 10/678,653 are

allowed prior to the allowance of this application, Applicants invite the Examiner to contact the undersigned at (202)408-4469 to discuss the appropriate course of action.

Withdrawal of the outstanding double patenting rejections remove all of the pending rejections against claims 52-55, 57-63, and 67-69. Accordingly, claims 52-55, 57-63, and 67-69 are in condition for allowance.

Applicants request that withdrawn claims 56, 64-66, and 70-73 be rejoined with the elected claims in this application. Those withdrawn claims all depend either directly or indirectly from one of independent claims 52 and 67, and thus, are allowable for at least the same reasons that independent claims 52 and 67 are allowable. In addition, each of these withdrawn dependent claims recites unique combinations that are neither taught nor suggested by the cited art, and therefore each is also separately patentable.

In view of the foregoing remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: January 18, 2007

By: _____
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